

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

William Garron

v.

Case No. 07-cv-95-PB

Skye Gryphon, LLC

NOTICE OF RULING

Re: Document No. 8, Motion to Remand

**Ruling:** Defendant confuses the defense of preemption with the exception to the well-pleaded complaint rule that applies where federal law completely preempts state law causes of action. See Guglielmo v. Worldcom, Inc., 2000 DNH 169 (explaining difference between complete preemption as an exception to the well-pleaded complaint rule and defense of preemption). None of the cases defendant cites hold that removal is proper because federal law completely preempts the state law claim on which the complaint was based. In any event, I agree with Judge Forester's well-reasoned opinion in In Re Air Crash at Lexington Kentucky, 486 F. Supp. 2d 640 (E.D.Ky 2007), and the many cases cited therein, that the Federal Aviation Act does not completely preempt state law claims. Motion granted.

Date: July 6, 2007

cc: Daniel T. Chabot, Esq.  
Garry R. Lane, Esq.